

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
Of the
Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **September 21, 2004**.

Members Present:

Legislator Angie Carpenter • Chairperson
Legislator Pete O'Leary • Vice•Chair
Legislator David Bishop
Legislator William Lindsay
Legislator Daniel Losquadro
Legislator Lynne Nowick

Also In Attendance:

Mea Knapp • Counsel to the Legislature
Alexandra Sullivan • Chief Deputy Clerk/Suffolk County Legislature
Doug Sutherland • Aide to Legislator Carpenter
Linda Bay • Aide to Presiding Officer Caracappa
Paul Perillie • Aide to Minority Caucus
Jim Spero • Director/Budget Review Office
Adam Santiago • County Executive Assistant
Matt Cohen • County Executive Assistant.
Ken Knappe • Senior Budget Analyst/County Executive's Budget Office
Donald Sullivan • Undersheriff/Suffolk County Sheriff's Office
Kerry Kneitel • Chief Deputy Warden/Suffolk County Sheriff's Office
Alan Otto • Chief of Staff/Suffolk County Sheriff's Office
Mike Sharkey • Vice President/Suffolk County Sheriff's Office
James Bowra • Deputy Sheriff/Suffolk County Sheriff's Office

Richard Dormer • Commissioner/Suffolk County Police Department
Bob Moore • Chief Deputy Commissioner/Suffolk County Police Dept
Aristides Mojica • Deputy Inspector/Suffolk County Police Dept
Stanley Grodsky • Detective Lieutenant/Special Victims Section/SCPD
John Zydor • Detective/Suffolk County Police Department
Cecilia Clausing • Commissioner's Office/Suffolk County Police Dept
John Desmond • Director/Suffolk County Probation Department
Debbie Eppel • Public Information Office
Laura Ahearn • Executive Director/Parents for Megan's Law
Dannny Sicilian • 2nd Vice•President/AME
Brian Hughes • Eastern Communications
Barbara Baumgarten • Resident of Holbrook
All Other Interested Parties

Minutes Taken By:

Alison Mahoney • Court Stenographer

(* The meeting was called to order at 1:34 P.M. *)

CHAIRPERSON CARPENTER:

We will begin the Public Safety Committee meeting and I would ask Legislator Nowick to please lead us in the Pledge of Allegiance.

Salutation

We have a couple of cards, so we're going to go to the cards first.

We also have the Police Commissioner who is going to update us on an issue today. So let's start with the cards, the first, Barbara Baumgarten? Barbara, just come forward, sit at the table.

MS. BAUMGARTEN:

Good afternoon.

CHAIRPERSON CARPENTER:

Good afternoon. You may begin, if you would just say your name again for the stenographer to

record and you have three minutes.

MS. BAUMGARTEN:

Mrs. Carpenter, I have •• Hi.

CHAIRPERSON CARPENTER:

As I said earlier, you have three minutes, so go right ahead.

MS. BAUMGARTEN:

Good afternoon. Thank you for allowing me to speak. My name is Mrs. Baumgarten. I'm here to speak on police issues, the PINS and youth issues and human rights.

My daughter Shreiss Baumgarten was set up on ten false felony charges at the age of 13, 14 and 15 which led back into Family Court and her juvenile records sealed. But then after that she was placed illegally into an all•girls school filled with drugs, violence and prostitution that only violated her United States Constitutional Rights and destroyed her life further. At the age of 15 my daughter got pregnant by a 19 year old where the Police Department at the 5th Precinct failed to protect her said rights, further failed to take criminal charges from me •• who I am her mother, Mrs. Baumgarten •• failed to press statutory rape charges, etcetera, and custodial interference.

At the current present time, the individual that got my daughter pregnant that was 19, now he's 21, he's currently on probation for five years for narcotics; his brother is a three•time parol offender; the sister lost custody of her kids because of drugs, guns and other inappropriate things. They have isolated and controlled and my daughter is currently missing with my granddaughter who is 18 months old, Alexis Baumgarten.

The system has failed me. The police has failed to press criminal charges, failed to assist me as a constituent in this County. They have failed to protect my daughter who is a said minor, and myself as a family, as a constituent; I'm not a criminal, I'm a mother, I'm a grandmother. We need protection from the Police Department, not to violate our Constitutional rights, not to violate my daughter's rights as a youth. My daughter was a victim, she continues to be victimized and her violation of her Civil Rights. My daughter is a survivor, a survivor of domestic violence, I am a survivor of domestic violence. The taxpayers, our taxpayers should

be aware, public awareness of the misconduct that is going on within this County at the Police Department, the Probation Department. The Probation Department, hundreds of thousands of dollars are invested to monitor said individuals who are on probation for crimes like domestic violence, drug use and other criminal mischief where they allowed an individual to violate my daughter's rights since she's 15 years old; my daughter was 15 years old, this was statutory rape.

My papers that I have presented to you today, I would like them to be reviewed. And I would like to thank you for allowing me to testify.

CHAIRPERSON CARPENTER:

You're very welcome. I will make sure that they are reviewed. Thank you.

MS. BAUMGARTEN:

Angie Carpenter, thank you.

CHAIRPERSON CARPENTER:

Next speaker is Laura Ahearn.

MS. AHEARN:

Hi.

CHAIRPERSON CARPENTER:

Hi, Laura. Nice to see you.

MS. AHEARN:

Thank you. I'm here today in support of passage of IR 1752 which would establish a County •wide policy for dissemination of information under New York State's version of Megan's Law. The law would require the Suffolk County Police Department to release the maximum amount of information allowable under the law to the community for those sex offenders that are determined to be moderate and high risk sex offenders. The State law authorizes law enforcement to release that information and what this would do would set a policy for the first time throughout all of New York State, no other County has done this, to require active notification on Level II and Level III sex offenders. And we're strongly in support of it and we

would like to thank Legislator O'Leary for considering that law enforcement has the discretion to notify; they have been very proactive but this would now require them to do so.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Yeah. Hi, Laura, and thanks for that. I have a memo from the County Attorney's Office which indicates that for the Level II offender a photo and physical description must be included as required by State Law. Is it the opinion of Counsel that the language in the amended copy which states, "Shall disseminate the maximum amount of information available under applicable New York State Law" cover that?

MS. KNAPP:

Yeah, I believe •• and Ms. Harrington is here and she can confirm, we have exchanged e•mails •• the Clerk's version was not updated, so that the actual amended version of the legislation was not available to the County Attorney's Office when you received the e•mail that you received. Thereafter, Ms. Harrington and I corresponded and I think that she's comfortable with the language as it is.

MS. HARRINGTON:

The language is fine as amended.

MS. KNAPP:

It's fine as amended.

LEG. O'LEARY:

It's fine as amended? Okay, thank you. Thank you, Laura.

MS. AHEARN:

Thank you.

CHAIRPERSON CARPENTER:

Thank you, Laura. Okay, next speaker is John Desmond. Actually, John is here, not really just filling out this card, but to present a situation that exists on the Children's Shelter and to

update the committee on it; John is the head of Probation. Whenever you're ready.

DIRECTOR DESMOND:

Good afternoon. I come to you today on behalf of the County Executive and I come to you with a very heavy heart. We were •• the Children's Shelter, the bid that had been held for so long through the efforts of DPW expired last Friday without any action by the New York State Office of Children and Family Services. Without their approval, not only do we not get reimbursement for the construction •• half reimbursement for the construction and operation of the shelter, but we also can't even open the facility.

Basically, I believe that the Probation Department and the County of Suffolk was led down the primrose path by OCFS for the last six months. After we had received the successful bid for the children's shelter in April, on May 6th we received a letter from OCFS. Now, I've asked to be distributed to you a package that outlines a lot of the documentation that we have passed back and forth to the State over the last four years. Starting in 2000, the State was basically ordering us, yelling at us to build a children's shelter. Up until May of this year, at no time had the State done anything but to encourage us to build such a shelter. In April we had said to the State, "Looks like we're going to build a shelter." May 6th we get a letter from the State for the first time questioning our statistics and the need for a shelter.

We reviewed the State's information, responded to them later in the month; their statistics were off by anywhere from 26 to 40% in every category. Subsequent to that, we had a great deal of communication with various members of OCFS, each time they requested more data, each time we provided more data. A number of my people worked extra hours to get this material up to them in a timely fashion, each time we were told not to worry, there would be decisions shortly; each time we were delayed yet again. I believe that DPW successfully extended the contract bid three times; again, they did a marvelous job on the support of this.

Finally, on August 30th I spoke with the Commissioner, Mr. Johnson, of OCFS who promised me that by September 10th, knowing full well that we were running out of time, that they would either commit to the shelter or turn us down. On September 9th at 5:30 at night, my office received a fax indicating that they were unable to commit at that time.

We were then •• I then approached the County Executive's office. The bid was going to run out

last Friday, on Thursday he sent a letter directly to the OCFS Commissioner requesting him to review the record and make a decision. At 3:27 Friday afternoon I received a call from the Deputy Commissioner of OCFS saying that they would not commit to the project; not that they were turning us down but they would not commit knowing full well that the bid would end that day. That's our situation as of this point.

LEG. LINDSAY:

Madam Chair?

CHAIRPERSON CARPENTER:

Sure, Legislator Lindsay.

LEG. LINDSAY:

Mr. Desmond, how many juveniles do we ship out•of•County now?

DIRECTOR DESMOND:

I believe over the course of a year between three and 400.

LEG. LINDSAY:

What is the cost of that breakdown?

DIRECTOR DESMOND:

The cost runs •• it depends on the facility involved, but it generally runs between 300 and \$400 a day, and the cost to the County per year is approximately \$2 million.

LEG. LINDSAY:

Two million dollars.

DIRECTOR DESMOND:

Two million dollars just for that.

LEG. LINDSAY:

Just for shipping ••

DIRECTOR DESMOND:

Just for the secured detention.

LEG. LINDSAY:

Okay. If we had our own •• we don't have any facilities at all to house juveniles here, right?

DIRECTOR DESMOND:

We have two small detention facilities that are basically cellblocks that don't provide any services for children and are only to be used in emergencies. I believe one of them is in the process of being demolished to become a handicapped parking lot by the Riverhead •• by the new Riverhead Court Building, and the other one is slated to be demolished, it's in Hauppauge, when they start the renovations on the North County Complex.

LEG. LINDSAY:

So we really don't have any facility.

DIRECTOR DESMOND:

We don't have anything.

LEG. LINDSAY:

Okay. When the State denied to participate in the program, does that mean if we went ahead and built it they wouldn't certify it or they just wouldn't financially contribute to it?

DIRECTOR DESMOND:

I was not told this directly but I was not given any encouragement that they would certify anything.

LEG. LINDSAY:

Okay.

DIRECTOR DESMOND:

Basically they're saying •• their position is that they're trying to reduce detention costs and I don't believe they're interested in certifying any new beds in Suffolk County at this point.

LEG. LINDSAY:

How are they reducing detention costs by shipping juveniles out•of•County, doesn't that cost us

more money than if we house them in County?

DIRECTOR DESMOND:

Marginally it would cost us more that way. The problem with ••

LEG. LINDSAY:

Why is that?

DIRECTOR DESMOND:

Because some of the facilities that we ship them to come in at a little lower rate than it would cost us to have the children here in Suffolk County. The difference is that if we have a facility in Suffolk County, we wouldn't have to keep them in the facility for as long and there would be a savings. It would also be a savings because we were planning to do on site a lot of the psychiatric diagnostic work and we would also be able to provide services to the children, take them for interviews to agencies and such, and hopefully reduce both the short•term costs and the need for long•term residential placement.

LEG. LINDSAY:

How about transportation?

DIRECTOR DESMOND:

Transportation is a very expensive proposition. Not only do the Probation Officers provide transportation, but if children are picked up nights and weekends and need to be placed in secured detention, it requires two Police Officers, Detectives or two Sheriffs Deputies to transport that child to whatever facility in the State that can take them.

LEG. LINDSAY:

How far away is the furthest point that some of our juveniles are in now?

DIRECTOR DESMOND:

Buffalo.

LEG. LINDSAY:

Buffalo.

DIRECTOR DESMOND:

We have •• on Monday we sent two children up to Albany and their return court date is tomorrow.

LEG. LINDSAY:

In your experience, a troubled juvenile like this, doesn't the family play a major roll in turning that child into a productive part of society? So if we're sending somebody to Buffalo or Albany where their family can't readily visit them and help them, how is that ••

DIRECTOR DESMOND:

It's not a help to either the child or the family, it represents an additional hardship and can sometimes trigger additional psychiatric problems and distress.

LEG. LINDSAY:

This decision is absolutely bizarre.

DIRECTOR DESMOND:

I firmly believe that it is a decision based on monetary considerations.

LEG. LINDSAY:

The State doesn't want to chip in the \$7 million to help us build this.

DIRECTOR DESMOND:

It was indicated to me that OCFS had taken a considerable hit in their budget this year. Nobody told me directly that's why this was not being approved, but the fact that we were not told by anybody in the State that they had any problem with our shelter until such time as we started talking to them about reimbursement, I think indicates that this is a financial consideration.

LEG. LINDSAY:

Is there anything we can do about it?

DIRECTOR DESMOND:

I don't believe so. And just to add to your woes or more my woes, the Office of Children and Family Services has instructed the city•secured detention facility Bridge to reduce their secured beds from 150 to 125.

LEG. LINDSAY:

I'm done.

CHAIRPERSON CARPENTER:

You're done? Okay, thank you. Legislator O'Leary.

LEG. O'LEARY:

Yes. Mr. Desmond, you mentioned the fact that the discussion of reimbursement from the State came up; how long ago did that occur?

DIRECTOR DESMOND:

The initial discussions with the State about reimbursement?

LEG. O'LEARY:

Uh•huh.

DIRECTOR DESMOND:

It probably started in 2000 and 2001, because we kept the State informed constantly of our plans, they approved our plans when the shelter originally went out for bids in 2003, they were informed all the way through. And then again when the shelter was rebid in 2004, we kept them advised of that, and when the bid came in in April of 2004 we again advised them. And it was subsequent to the fact that we had indicated that the bid was going to be accepted and we were going to move ahead, two weeks later we got the letter from OCFS.

LEG. O'LEARY:

What was the anticipated total cost for the construction of the shelter?

DIRECTOR DESMOND:

Between 13 and 13 and a half million.

LEG. O'LEARY:

And the County was looking for the State to reimburse almost half of that money, those monies?

DIRECTOR DESMOND:

Correct, it would •• normally it reimburses half of the cost of the facility and half of the operating expenses.

LEG. O'LEARY:

And all this came about two weeks ago where it became apparent that the State was reconsidering, if you will, the entire issue?

DIRECTOR DESMOND:

If you look at the documents, in their first letter in May they start talking •• they say, "Before we complete the certification process," and then correspondence from there is further drawing back and weakening until we finally get to their refusal to certify.

LEG. O'LEARY:

Well, I'm going to echo Legislator Lindsay's sentiments about, you know, this is absolute •• there's an absolute need for us to have this shelter. My understanding was that the bid was withdrawn; is that true?

DIRECTOR DESMOND:

Yes. The company that had done the bid, I also have to credit them, they extended it three times and did us every courtesy. And at the same time, the prices for the raw materials were going up, and I understand why they withdrew the bid.

LEG. O'LEARY:

All right. Well, let me ask you a more pointed question; where do you think we should go from here?

DIRECTOR DESMOND:

Very frankly, I am not sure at this point. This is a monetary, fiscal decision and is out of my bailiwick. I'll cooperate with whatever instructions I receive from the Legislature and the County Exec.

LEG. O'LEARY:

Okay, thank you.

CHAIRPERSON CARPENTER:

I just wanted to clarify something I thought I heard you say; in 2003 they approved plans that we had submitted?

DIRECTOR DESMOND:

Correct, the architect's plans were submitted to OCFS for their approval as part of the process of bringing it out to bid.

CHAIRPERSON CARPENTER:

And did they indicate at that time that they would have any problems with approving it?

DIRECTOR DESMOND:

No, we never had the slightest indication they had any problem with anything except for the fact they thought we were short a bathroom for employees, that was about the extent of their problems that they had with the Suffolk County Children's Shelter. That May letter was a total surprise to us.

CHAIRPERSON CARPENTER:

What would happen if we went forward or had gone forward •• certainly the RFP was awarded, you said, in April •• if we had gone forward and signed the documents and started constructing the facility? We have communication here that I see that almost compels us to build a facility, almost demanding that we build a facility. So that it seems that if we had moved forward in a timely fashion when the RFP was awarded in April and we're already in the throws of construction, that they would have had no choice but to reimburse us, as they're legally required to do, for half the construction costs.

DIRECTOR DESMOND:

They're only legally required to reimburse us if the facility is certified by them. Furthermore, if we had constructed the facility and opened it without certification, I believe we would have faced major liability.

CHAIRPERSON CARPENTER:

No, I'm not suggesting that we would have opened it without certification, but certainly it could have been built and then put them in a position. Certainly we wouldn't be building a facility that would not meet with the criteria to obtain the necessary certification. And that if they denied us certification for some frivolous reason, then we certainly would have cause to sue them if necessary. But it seems to me, going back to 2000 when they really insisted, demanded or whatever thing you want to say, telling us to build a secured facility here in Suffolk County, that we have a responsibility to do so. And at \$2 million a year plus, it doesn't take long to maximize your investment in building a facility.

DIRECTOR DESMOND:

I do believe that the issue was looked at by the County Executive's budget people and there was a reluctance to go forward without the commitment from the State. I don't know exactly if there was any discussions about legalities and such.

CHAIRPERSON CARPENTER:

Well, sometimes I think you have to go forward with what we as a County are expected to do. And you know, if we're being directed to move forward with the facility, if the children and the families whose lives are being impacted because we don't have that permanent facility here in Suffolk County, you know, sometimes you have to make those tough decisions. Are there any other questions or comments for Mr. Desmond? Okay, John, thank you very much.

DIRECTOR DESMOND:

I appreciate it.

CHAIRPERSON CARPENTER:

Next I will ask our Police Commissioner, Richard Dormer, I see that he's arrived, if he would please come forward. The Commissioner had contacted me about an issue that he's been concerned about that's been mentioned in the past, and perhaps you can bring the committee up to speed on it.

Before you do, I just wanted to commend the department; I knew I was going to be seeing you here today so I didn't call you yesterday. But there have been two major events that have happened in the last week and a half in Suffolk County, one being the funeral of the police

officer where thousands and thousands, literally, of people came in and there were no problems and the department handled it all beautifully. And then Sunday, as everyone who saw the front page of Newsday, thousands, tens of thousands of people converged upon the community and there really were no major incidents at all and it was due because of the fine work of the men and women of the Suffolk County Police Department, in particular the 3rd Precinct.

LEG. BISHOP:

And the good behavior of the attendees.

COMMISSIONER DORMER:

Yes.

CHAIRPERSON CARPENTER:

Who were encouraged to do so by the police presence.

COMMISSIONER DORMER:

Well, thank you very much. You know, as we spoke I think it was Friday, and we always worry about the front page of Newsday, we want it to be a good story when we have these events. So that's our major issue in the police service, that we keep it safe and peaceful for everybody. I checked with Inspector Quinn when I congratulated him and his people for the job they did, not one arrest had to be made in the 3rd Precinct at the parade. With 50,000 attendees and it went well into the evening, not one arrest connected with the parade, so that tells us it was a success for the community and the County. So thank you, I will pass on your remarks to the Inspector, he did a terrific job.

CHAIRPERSON CARPENTER:

Also to you because I think in light of the budget pressures that you've had, that you made the commitment to the necessary overtime, to the necessary manpower that was needed by such an event, and it really made the difference, so thank you.

COMMISSIONER DORMER:

Thank you.

CHAIRPERSON CARPENTER:

But on to the alarms.

COMMISSIONER DORMER:

Okay. Now, probably most people here •• and I appreciate this opportunity, by the way, to bring this up to your attention so that you don't find out about it from some other source. I felt that you should find out from the Police Department what's going on with the false alarm problem in the County.

This is a major issue and has been a major issue for years and we now have decided to do something about it. If you look at the handout that was passed around, it just gives a brief summary which will help everybody. Approximately 160,000 false alarms come in every year that have to be responded to by a patrol officer. We broke it down by precinct; if you saw the percentages, that's the percentages that that precinct •• of their calls in that precinct, that they went on false alarms, that's pretty high. If you look at the 4th Precinct, 33%, over 33% of their calls are to false alarms. Now, it's a resource issue, it's a misuse of our expensive police service and it's also a safety issue for patrol officers in that they get lulled into a sense that this is a false alarm again and they roll up because they have handled this thing, as you can see from the numbers, ten times before and suddenly it's for real and they get killed or injured. And then the question would be what did we do about these false alarms? That's what caused this injury.

But notwithstanding that, if you look down further, a few businesses, the commercial businesses, are creating most of the false alarms; fifteen locations have 50 or more in a year, and so on. Two hundred and thirty•seven locations have 20 or more false alarms. Now, if you figure this out, and I've had the people in our budget unit figure this out, it comes to 6,870 eight•hour tours that are wasted, that cost two•and•a•half million dollars if you cost out the cost factor. Now, this is a tremendous hit on our police services.

And also, I should mention that it's not just the Suffolk County Police Department. Throughout the United States, alarms, false alarms are a major problem, they have proliferated over the last 20 years. Everybody has got alarms; they're on the cars •• and by the way, I should mention that we're talking about intrusion alarms here, the building alarms, we're not talking about panic alarms, hold•up alarms. I should mention the ones that we would look at excluding duress alarms, that's our domestic violence, fire alarms, carbon monoxide alarms, we would still

respond to these, but the false alarms to an auto repair shop, a fence company and so on, that are eating up our patrol time.

So what we're proposing to do and we have started this program of notifying the egregious violators. We have identified the ten worst commercial violators in each precinct, they got a visit from a supervisor and they were advised that their alarm system was generating this kind of activity and we're going to give you three months to correct it. They're going to get another visit after the three months and if it's not corrected they are now going to be advised that effective next year they'll be put on a non•response list at our communications unit. They will be given adequate time to make other arrangements to respond to their alarms. This is legal, the County Attorney says we can do this, so we have no problems from a liability standpoint. We think it's the right thing to do, it's, you know, the efficient way and the safe way. Why should •• why should people that don't have alarms going off every day or every week have to pay for people who do not service their alarm systems because we're going to respond? Why should we as the Police Department be a service agent for alarm companies who sell these products and then we service them at a very expensive hourly rate, I should mention.

Everybody that I've talked to in the Police Department says we have to do something about this. So we're going to do it in a very systematic way, giving people time to correct the bad alarms. And if they go on the non•response, they can get off that non•response list by showing the precinct Captain the paperwork that it has been corrected and they go back on the list. We're also going to make sure that we have a system in place that we •• if a lot of alarms going off at a certain location and it's involved with Homeland Security or some other safety issues, we would not put them on a non•response, we're going to be open to that.

I should mention that Nassau County has a non•response, New York City, and I could go on and on, Boston, Philadelphia, Chicago, and some of these police departments have a fine structure where they get fined if they go over so many alarms in a certain period of time. We're not talking about that right now but we're going to propose that legislation be enacted so that we license maybe alarm companies and set up a fee schedule for false alarms so that we can get reimbursed, the County and the Police Department, for servicing this type of system. I should mention that in Milwaukee, the Police Chief initiated such a non•response procedure this month and there was an article in the New York Times about it, the Chief said, "We're not going to back down on the non•response, 97% of the alarm calls that we handle are false. We can't afford it, it's just eating up our resources and it's dangerous."

So I just wanted to let the Public Safety Committee know what we were doing and give you a heads•up on this because I think it's that kind of an issue that you should know about. The people that we have identified, by the way, so you will know, they're egregious, they're way off the landscape, as you can look at the numbers. I mean, cops on the air, and I hear them saying, "That guy again? I was there last week", that kind of thing. So, you know, we're going to go forward with it and we wanted to let you know.

CHAIRPERSON CARPENTER:

Commissioner, I really appreciate you giving us a heads•up on this.

I do have a question. You did say that you've checked it out and legally we wouldn't incur any liability by putting someone on a non•response list, did you actually get an opinion from the County Attorney?

COMMISSIONER DORMER:

Yes, we did.

CHAIRPERSON CARPENTER:

Could we get a copy of that?

COMMISSIONER DORMER:

Well, I'll talk to the County Attorney. And by the way, this is not just with alarms, you know, there's no obligation to protect any entity if they're notified, if they don't have an expectation that they're going to be covered. We are making sure that we incur no liability by making notification, we're documenting this and they're going to be given a certified/return receipt letter indicating that as effective date they will be cut off from response, giving them time to make other arrangements so that they don't have an expectation that they will get police response. But I will get that from the County Attorney.

CHAIRPERSON CARPENTER:

We would appreciate that, thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Hi. Great information, I think it's a great program. And I know I've brought this up in the past

to you, I hate to harp on it but, once again, I don't see statistical information here for the 7th Precinct. And I know it hasn't been, you know, fully staffed, but even if we could •• again I'll make the request, even if we could get prorated information for partial year just so we can have complete statistical data.

COMMISSIONER DORMER:

Yeah, you know what I did? I put five years together to get total figures, and of course the 7th wasn't in operation. The 7th Precinct has the same problems that the other Precincts have.

LEG. LOSQUADRO:

Of course, and it's more just to ••

COMMISSIONER DORMER:

I'm not trying to slight your 7th Precinct.

LEG. LOSQUADRO:

It's more just to get that on the record, we just want that documentation just to show that even on the furthest east end of the Police Districts that, you know, we encounter the same problems as everyone else.

COMMISSIONER DORMER:

Yeah. Thank you.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON CARPENTER:

Are there any other comments? Legislator Lindsay?

LEG. LINDSAY:

Yeah. Commissioner, I appreciate you coming here and sharing this with us. It's always good to see you. Come back and see us, you know? I know you're a busy man, but we like to hear what's going on in the Police Department.

COMMISSIONER DORMER:

Well, thank you, I appreciate that. Yeah, we are •• you know, I don't want to •• it's not a complaint, but we are busy, you know, and I don't want to take up your time. I mentioned to the Chair that if you ever have anything that you want me to discuss and I'm available, I'll come down here and discuss it, and you agreed that that was fine.

CHAIRPERSON CARPENTER:

Well, we •• and I can understand that you certainly can't attend every Public Safety Committee meeting. In the past, the Commissioner or the Deputy Commissioner or the Chief of Department, so as long as there's someone representing the department, that would be, you know, really good because I know specifically Legislators do have questions about their various districts, so it's helpful.

COMMISSIONER DORMER:

Yeah. And also I should mention, if anybody here has a question at any time, you can call me, get in contact with me or e•mail me; I utilize the e•mail very extensively and I'm very responsive to that. You know, I'm a hands•on type of guy so I'm involved in a lot of issues in the police service, so that's the way I operate. I'm involved in, you know, the alarm thing personally and a lot of other issues.

I should mention, too, about the •• maybe while I got a second, you may have read about the issue of the safety vests with the officers; hopefully we'll come out with an order this week that will make it mandatory that they wear the vests when they're on patrol. We think it's the right thing to do to keep our officers safe out there.

CHAIRPERSON CARPENTER:

One more thing on the alarms. Are you working with •• I know you said about developing legislation, are you working with the Office of Consumer Affairs? Because presently alarms are licensed under home improvements.

COMMISSIONER DORMER:

Yeah, we would like •• my suggestion is that Consumer Affairs assume the licensing of the alarm companies rather than the Police Department; we should be an enforcement agency, not a collection agency, not a licensing agency. I'm getting a draft of a law, a proposal that I'm going to look at and make suggestions on it and that's the way I would like it to be done

through Consumer Affairs, I have made that view known.

CHAIRPERSON CARPENTER:

Okay, great. But I just would suggest that you work with the Commissioner there in Consumer Affairs, because unfortunately a lot of times departments will do something and, you know, the legislation is before us and then he comes out and says no one consulted him and this isn't practical; so it really helps if you involve him in the beginning.

COMMISSIONER DORMER:

Yeah, Commissioner Gardner will be involved in it.

CHAIRPERSON CARPENTER:

Great. Legislator Lindsay?

LEG. LINDSAY:

Just a point of information. Alarm companies are licensed by the State, so there could be a problem of preemption.

COMMISSIONER DORMER:

And also, if I could point out, some of these alarm companies are out of state. We have alarms being put in in businesses and residential homes with alarm companies in Texas and California, it's very difficult to control this, so we have to look at that, too. And just think about it, wouldn't you like to have a business that you could sell a product and the Police Department services it for you? I mean, I think we're in the wrong business; just an aside.

CHAIRPERSON CARPENTER:

Well, I do have one comment. I would just ask Counsel, there is some reference in the County Code already about alarms and maybe you can share that with us.

MS. KNAPP:

It won't help you with the commercial users, but our current law requiring licenses does require anyone who engages in home improvement contracting upon residential property; the definition does include alarm systems. So for residences, you can start going after them now on their licenses.

COMMISSIONER DORMER:

Yeah, and thank you very much for that. You know, we wanted to go after the commercial businesses first rather than residential, we're going to leave that and we're going to, you know, visit people in their homes and tell them, "Correct this." It's a little special •• it's a little different in somebody's home than it is in a business where nobody is living, so we're treating it a little differently. And we don't want to come on too harshly with this at the beginning, we want to give people a chance to correct the problem, you know, get in line so they're not eating up our resources. So that's why we're giving this three months and then a further three months and we're looking at the stats; I think it's the right thing to do. And they really can't complain that we did it too quickly and we didn't give them time to correct it. But thank you for the information on the residences.

CHAIRPERSON CARPENTER:

Thank you. And I think Legislator O'Leary had a question?

LEG. O'LEARY:

Yeah, just •• I have some other matters, and I appreciate you being here because I had discussed this with Deputy Inspector Mojica concerning the radio tower, the communication tower in the Rocky Point area. As you are well aware, there's an ongoing problem with respect to the officers in that area in communication with headquarters, and even with each other, so it's really, in my mind, a critical safety issue. I'm just curious as to what the status of that particular initiative is.

COMMISSIONER DORMER:

You know, I'm sorry, I don't have the information on the status, but we •• it's in the works as we speak, but I don't know at what point it's at.

LEG. O'LEARY:

Right.

COMMISSIONER DORMER:

And my information is that it impacts the portables more than it does the fixed system in the car. So it's when the officers leave the portables •• leave the vehicles, which they do, it becomes an issue, and we know it's a safety issue. This is a concern for all of us, it's been like

this for years, hopefully we can get this corrected quickly. But I can't give you an update on the status, I don't have it.

LEG. O'LEARY:

If you don't mind, I didn't realize you were coming here today and I had this conversation with Deputy Inspector Mojica when he showed up; he has an update.

COMMISSIONER DORMER:

He does have it, yeah, he can give it to you.

LEG. O'LEARY:

Thank you very much.

COMMISSIONER DORMER:

Yeah, okay.

LEG. O'LEARY:

I appreciate that. Can you come up, Deputy Inspector?

COMMISSIONER DORMER:

Do you need me any further, any other questions? Thank you very much.

CHAIRPERSON CARPENTER:

Thank you.

LEG. O'LEARY:

Thank you. The status?

DEPUTY INSPECTOR MOJICA:

The status, the projected date for getting this work done is 2007, as we ••

LEG. O'LEARY:

That's what I had heard.

DEPUTY INSPECTOR MOJICA:

And so when I called the office back, they have •• the documents indicate 2007; so that's not even word of mouth, that's as per documents.

LEG. O'LEARY:

All right. And that's •• and the reason why is because that's part of the ••

DEPUTY INSPECTOR MOJICA:

It was put in as a Capital Project ••

LEG. O'LEARY:

Yeah?

DEPUTY INSPECTOR MOJICA:

And I guess through whatever goes through •• as it went through the process, that's when we •
• that was the projected date that the department received for getting this particular project done.

LEG. O'LEARY:

You mean to initiate or completion of; just to start the project in 2007?

DEPUTY INSPECTOR MOJICA:

I'm not •• I can't answer that in particular one way or the other whether it's to initiate or to start it.

LEG. LINDSAY:

Why don't we ask Jim Spero where it is?

CHAIRPERSON CARPENTER:

Jim, do you •• I don't know if you need the Capital Project number to know where the status is.

MR. SPERO:

I will go to my office and check.

CHAIRPERSON CARPENTER:

But I was going to suggest that perhaps in the next committee meeting, Public Works, that Commissioner Bartha ••

LEG. O'LEARY:

Yeah, perhaps we'll address that as well.

CHAIRPERSON CARPENTER:

•• would have that information.

LEG. LOSQUADRO:

If I could just add to that. Obviously this is part of my district and this problem is not only the Rocky Point area but down into, you know, that whole sort of hollow along north shore; Shoreham Village ••

DEPUTY INSPECTOR MOJICA:

Rocky Point.

LEG. LOSQUADRO:

•• Sound Beach, you know, there's a real problem, you know, in some of those areas, especially with the •• you know, we can see with the addition of the 702 car that the Rocky Point area and the Sound Beach area now being just for 701, that these areas generate a significant volume of calls. So, you know, I think we do need to speak with DPW to put maybe a priority on this. Thank you.

DEPUTY INSPECTOR MOJICA:

The advantage that the department has in this case is that there's the water tower in Rocky Point so you don't •• there's not the issue of having to build a brand new radio tower, so that has to effect the time span on the project whether it •• you know, when it would be completed.

LEG. O'LEARY:

We'll address that with DPW. All right, thank you.

CHAIRPERSON CARPENTER:

Thank you for the information. Okay, let us move to the agenda.

TABLED RESOLUTIONS

1582•04 • Streamline Emergency Medical Services (EMS) coordination and improve response time (Bishop). Legislator Bishop? No, did you say no?

MR. PERILLIE:

The EMS bill.

LEG. BISHOP:

Oh, motion to table.

CHAIRPERSON CARPENTER:

Motion to table, second by Legislator O'Leary. ***The resolution is tabled (VOTE: 6•0•0•0).***

1752•04 • Adopting Local Law No. 2004, a Charter Law to establish a County•wide policy for the protection of children from registered sex offenders (O'Leary). The hearing has been closed.

LEG. O'LEARY:

Motion to approve.

CHAIRPERSON CARPENTER:

Motion to approve, second by Legislator Losquadro. All those in favor? Opposed? ***The resolution has been approved (VOTE: 6•0•0•0).***

INTRODUCTORY RESOLUTIONS

IR 1852•04 • Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the Local Law Enforcement Block Grant to the Suffolk County Sheriff's Office (Presiding Officer at the Request of the County Executive).

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion to approve by Legislator Lindsay.

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary, and to put on the consent calendar.

All those in favor? Opposed? ***The resolution is approved and placed on the consent calendar (VOTE: 6•0•0•0).***

1853•04 • Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice under the Local Law Enforcement Block Grant to the Suffolk County Departments of Police and Probation (Presiding Officer at the Request of the County Executive). Motion to approve by myself and put on the consent calendar, second by Legislator Lindsay. All those in favor? Opposed? ***The resolution is approved and placed on the consent calendar (VOTE: 6•0•0•0).***

1869•04 • Extending the deadline for expiration of the Task Force on Public Safety Staffing Levels (Carpenter). I'll make that motion, second by Legislator O'Leary. The task force had a little bit of difficulty getting started in the beginning waiting for the appointments from the county executive, but we have had an organizational meeting and one subsequent meeting and it's moving along well. The Commissioner has sent his Deputy Commissioner to participate and we just need to extend the deadline of the report. So we have a motion and a second. All those in favor? Opposed? ***The resolution is approved (VOTE: 6•0•0•0).***

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SENSE RESOLUTIONS

We'll move to ***Sense 71•2004 • Memorializing Resolution requesting United States Congress to support the extension of the Violent Crime Control Act of 1994 (Viloria •Fisher).*** Is there a motion.

LEG. BISHOP:

Motion.

LEG. O'LEARY:

Question; was this a moot point, didn't it sunset?

CHAIRPERSON CARPENTER:

Yes.

LEG. O'LEARY:

So it's a moot point, is it not?

LEG. BISHOP:

Well, it did sunset but a lot of the ••

CHAIRPERSON CARPENTER:

Legislator Bishop?

LEG. BISHOP:

I'm sorry. A lot of the discussion in Washington last week was that it may be brought back. So the message that we want to send in support of it is not moot, we're not the Congress, we're the local government saying we support it; so either we support it or we don't.

LEG. O'LEARY:

Well, I mean, I know for a fact that the nation's law enforcement was certainly in support of this extension and the parent organization for those agencies _NAPO_ took a strong position with respect to the extension of this particular act. I was under the impression, though, that it did sunset and it's no longer an issue with respect to the Congress.

LEG. BISHOP:

Well, the fact that it sunsetted doesn't mean it's no longer an issue. It's no longer the law, that's true.

LEG. O'LEARY:

Right.

LEG. BISHOP:

But the issue is still there and we still can take a position in favor of it, which I assume we would want to.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON CARPENTER:

Legislator Losquadro.

LEG. LOSQUADRO:

If I may, this seems very similar to me to a Sense Resolution that we addressed in the Health & Human Services Committee, also put forth by Legislator Fisher, which had very similar boiler •plate type language and was, in essence, in opposition to the Patriot Act. I don't really agree with these type of stands on, you know, hot button political issues during a heated campaign, as we are in right now. I do not feel that this is the place for this type of, in essence, grandstanding. And the issue has •• as Legislator O'Leary pointed out, it has sunsetted, this is an issue that will be taken up by Congress and I just do not feel at this time it's our place to weigh in on this in such a political fashion. So I'm going to abstain on this.

LEG. O'LEARY:

I'll make a motion to table.

LEG. LOSQUADRO:

I'll second that motion to table.

CHAIRPERSON CARPENTER:

We have a motion and a second to table. All those in favor?

LEG. BISHOP:

On the motion?

CHAIRPERSON CARPENTER:

On the motion, Legislator Bishop.

LEG. BISHOP:

It is because it is a hot button issue and it is because we are the local government charged with public health and public safety that it would be important for us to speak in a bipartisan manner. Unless you're willing to say I'm opposed to extending it, than do so, but don't hide behind a tabling motion; either you're for ••

LEG. LOSQUADRO:

I'm not hiding.

LEG. BISHOP:

•• the measure or you're against it, I don't see what's gained by tabling it. And if we go through the litany of Sense Resolutions over the years, you will see •• I can go through chapter and verse the ones that I've had to deal with on, you know, welfare reform and a myriad of other topics. So unless we want to make a blanket rule, which I'll join you, then let's do that by all means. But don't sacrimoniously say, you know, it's grandstanding and it's a political issue unless you're willing to go down that path all the time; and I would join you down that path, I think we ought to have a rule against Sense Resolutions.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON CARPENTER:

Okay. Well, if I could ••

LEG. LOSQUADRO:

I have not been here, I apologize, I have not been here for that period of time and have not seen this many come before us, but I know there are •• there is legislation in the works to do away with these. And in my opinion, in many cases, especially when people, in my opinion, abuse the opportunity afforded to them in these Sense Resolution, that we do not •• we should not be weighing in on these issues. So I'm interested in the seed of the legislation that is in the works. And you know what? I may agree with you down the line in looking at those resolutions that are in the works that this may be something that we do decide not to engage in any longer, but at this time, this instance in particular, I do not feel this is appropriate. I do not feel that this is language •• and again, I'm using the example of the resolution put forward by

Legislator Fisher that is before us in Health & Human Services, it is very similar. This is language that is very boiler•plate, it's used on a national level, this is not necessarily the language, in my experience, that I have seen Legislator Vilorio•Fisher use herself and I am in disagreement with it.

CHAIRPERSON CARPENTER:

Okay.

LEG. BISHOP:

If I may.

CHAIRPERSON CARPENTER:

I would just like to say something to what Legislator Bishop said about there have been many of these kinds of resolutions in the past that we have had before us, but over the last year or two they seem to have stopped. So I can appreciate what Legislator Losquadro was saying and Legislator O'Leary and would support a tabling motion at this point..

LEG. BISHOP:

Further on the motion, I think it would also be particularly tragic that on Long Island, where we suffered through tragedy of the Long Island Railroad Massacre and this national law was borne out of that tragedy and has worked and has been effective and is supported by law enforcement, that a Long Island Legislature would stand up and say, "We don't want to take" •• sit down and say, "We're not going to take a stand in favor of this;" that's deplorable.

LEG. O'LEARY:

Through the chair, please?

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

I think, Legislator Bishop, that's exactly the point. We're taking a stand here with this Sense Resolution on, what I said before, a moot point. In the event that the Congress reintroduces a bill to place restrictions on assault weapons, I would think that would be the most appropriate time for this body to put a Sense Resolution together to send down to Congress in support of

that particular resolution.

LEG. BISHOP:

There is a bill currently before Congress. What happened was that Congress didn't approve it, that's what the action or inaction that was taken last week. But there is a bill and it is pending, the leadership of Congress won't schedule a vote on it.

LEG. O'LEARY:

Well, I mean, that's ••

CHAIRPERSON CARPENTER:

Okay. You know ••

LEG. BISHOP:

If that's the objection, it's false.

LEG. O'LEARY:

I mean, my point is that the extension expired. Now you're saying there's currently a bill before Congress to extend that extension?

LEG. BISHOP:

Right, or to make permanent the law.

LEG. O'LEARY:

I would suggest ••

LEG. BISHOP:

To revoke the sunset provision.

LEG. O'LEARY:

I would suggest, then, to the sponsor of this Sense Resolution to cite that particular bill in her Sense Resolution if you want this to go forward.

LEG. BISHOP:

Okay. That is •• you know, it's fine and you'll win your vote today, but you know it's pretextual

and you should be ashamed of yourself.

CHAIRPERSON CARPENTER:

Okay, I think we can leave off with the editorial comments.

Legislator Lindsay.

LEG. LINDSAY:

Well, I think that •• aside this particular issue, I think when we put together our Organizational Meeting in January, I really think that we should look at Sense Resolutions in general.

LEG. LOSQUADRO:

I agree.

LEG. BISHOP:

Absolutely.

LEG. LINDSAY:

Because I know Nassau does not have them. I see them around this horseshoe at times causing a great deal of conflict over something that I think we all feel isn't really an issue of substance because nobody really listens to them anyway.

CHAIRPERSON CARPENTER:

Hard to believe, though it is.

LEG. LINDSAY:

But it is and we all know that.

CHAIRPERSON CARPENTER:

Exactly. And also to Legislator ••

LEG. LINDSAY:

And I think we should really look at that in January.

CHAIRPERSON CARPENTER:

Okay, point well taken. And just one final comment to Legislator O'Leary's comments. In the resolution, if you look at it, that was drafted in August, it was referring to legislation that was due to sunset on September 13th; it has sunset, so really the resolution in itself technically shouldn't be acted on. So we have a motion and a second to table. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRPERSON CARPENTER:

Two opposed, the resolution is tabled (VOTE: 4•2•0•0 Opposed: Legislators Bishop & Lindsay).

And I believe •• if there aren't any other speakers •• Jim, did you have something.

MR. SPERO:

The Capital Project for the Rocky Point tower site, the funding of 1.5 million is scheduled for 2007.

CHAIRPERSON CARPENTER:

So we need to look at maybe moving that funding up it sounds like. Thank you very much, Jim.

You know, before we leave, I think I see members of the Sheriff's Department here. I would just like to ask because I know we had received a copy of a memo the other day with the transport of the prisoners that the costs are escalating again, and I was wondering if you had an update on where we are with the purchase of the modular units. There was quite a sense of rush and urgency on the part of the County Executive's Office to move forward with that purchase.

UNDERSHERIFF SULLIVAN:

Good afternoon. No, I can't give you much of an update. I can tell you that the State Commission made public statements to the effect that they would not take any action for or against, they would not take up the issue of permitting the County to go forward with the _sprung project_ , as it's now known, during the pendency of the litigation that was begun by the County two months ago. I know that litigation is pending before Albany Supreme Court, in fact, it was adjourned until September 24th, three days from now, for I believe responding papers by the County upon the Attorney General's motion to dismiss the petition. But I do not know specifically whether or not DPW is doing anything with regard to the nitty•gritty of the project in the interim, we have not been informed of that.

CHAIRPERSON CARPENTER:

All right, thank you. Perhaps we'll get that information at the next committee meeting. Thank you very much for being here. We stand adjourned.

(*The meeting was adjourned at 2:33 P.M. *)

***Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee***

_ _ • ***Denotes Spelled Phonetically.***